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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN FRANCISCO DIVISION

NEXTDOOR.COM, INC., a Delaware  
 corporation,

Plaintiff,

v.

RAJ ABHYANKER, an individual,

Defendant.

Case No.: 3:12-cv-05667-EMC

**REQUEST FOR JUDICIAL NOTICE IN  
 SUPPORT OF COUNTERDEFENDANTS  
 SANDEEP SOOD AND MONSOON  
 ENTERPRISES, INC.'S MOTION TO DISMISS  
 COUNTERCLAIMS**

RAJ ABHYANKER, an individual,

Counterclaimant,

v.

NEXTDOOR.COM, INC., a Delaware  
 corporation; PRAKASH JANAKIRAMAN, an  
 individual; BENCHMARK CAPITAL  
 PARTNERS VII, L.P., a Delaware limited  
 partnership; BENCHMARK CAPITAL  
 MANAGEMENT CO. VII LLC, a Delaware  
 limited liability company; SANDEEP SOOD, an  
 individual; MONSOON COMPANY, an  
 unknown business entity, and DOES 1-50,  
 inclusive,

Counterdefendants.

Complaint Filed: November 5, 2012  
 Counter-Complaint Filed: January 10, 2013

Date: May 2, 2013  
 Time: 1:30 PM  
 Judge: Honorable Edward M. Chen

{00012979;1}

REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF COUNTERDEFENDANTS SANDEEP SOOD AND MONSOON  
 ENTERPRISES, INC.'S MOTION TO DISMISS COUNTERCLAIMS

Counterdefendants SANDEEP SOOD (“Sood”) and MONSOON ENTERPRISES, INC., a California corporation (erroneously sued herein as Monsoon Company, an unknown business entity) (“Monsoon”), in support of their Motion to Dismiss Counterclaimant RAJ ABHYANKER’s Counterclaims, respectfully requests that this Court take judicial notice of the following documents and pleadings:

1. Raj Vasant Abhyanker’s Complaint for Damages and Equitable Relief for Intentional Interference with Existing and Prospective Economic Advantage, Breach of Confidence, Breach of Contract, Fraud and Conspiracy to Defraud, Constructive Fraud and Aiding and Abetting Constructive Fraud, Unjust Enrichment, Unfair Business Acts and Practices in Violation of Business and Professions Code (Cal.Civ.Code § 17200 *et seq.*), Violations of the California Corporate Securities Laws, and Misappropriation of Trade Secrets (Cal.Civ.Code § 3426, *et seq.*), filed on November 10, 2011 in the Superior Court of California, County of Santa Clara, Civil Case No. 1-10-CV-212924 attached as **Exhibit 1** to the Declaration of Harpreet S. Walia in support of Counterdefendants’ Request for Judicial Notice (“Walia Decl.”).

2. Raj Vasant Abhyanker’s First Amended Complaint for and Misappropriation of Trade Secrets (Cal.Civ.Code § 3426, *et seq.*), Fraud and Conspiracy to Defraud, Constructive Fraud and Aiding and Abetting Constructive Fraud, Negligent Interference with Existing and Prospective Economic Advantage, Breach of Confidence, Breach of Contract, Breach of Implied Covenant of Good Faith and Fair Dealing, Negligent Misrepresentation, Tortious Interference with Contract, Unjust Enrichment, Unfair Business Acts and Practices in Violation of Business and Professions Code (Cal.Civ.Code § 17200 *et seq.*), Violations of the California Corporate Securities Laws, and Conversion, filed on December 6, 2011 in the Superior Court of California, County of Santa Clara, Civil Case No. 1-11-CV-212924, attached as **Exhibit 2** to the Walia Decl.

3. Raj Abhyanker’s November 22, 2006 patent application no. 11/603,442; Publication Date September 20, 2007 entitled “Map Based Neighborhood Search and Community Contribution”, attached as **Exhibit 3** to the Walia Decl.

This request is made pursuant to Rule 201 of the Federal Rules of Evidence and the authorities cited below. This request is made in connection with Sood and Monsoon’s motion to dismiss the

Counterclaims for Trade Secret Misappropriation and Breach of Written Contract filed by Cross  
Counterclaimant Raj Abhyanker ("Crosscomplaint") (Dkt. 16).

### **BASIS FOR REQUESTING JUDICIAL NOTICE**

On a motion to dismiss, a court may take judicial notice of matters of public record in accordance with Federal Rule of Evidence 201 without converting the motion to dismiss to a motion for summary judgment. *Lee v. City of Los Angeles*, 250 F.3d 668, 688-689 (9th Cir. 2001) (citing *Mack v. South Bay Beer Distributors, Inc.*, 798 F.2d 1279, 1282 (9th Cir. 1986)). Courts may take judicial notice of documents outside of the complaint that are capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned. Fed. R. Evid. 201(d); *Wietschner v. Monterey Pasta Co.*, 294 F. Supp. 2d 1117, 1109 (N.D. Cal. 2003). Courts can take judicial notice of such matters when considering a motion to dismiss. *Wietschner*, 294 F. Supp. 2d at 1109; *MGIC Indem. Corp. v. Weisman*, 803 F. 2d 500, 504 (9th Cir. 1986). As explained further below, the Court may take judicial notice of Exhibits A through C.

Exhibits A and B: Courts may take judicial notice of proceedings in other courts. *U.S. ex rel Robinson Rancheria Citizens Council v. Borneo, Inc.*, 971 F.2d 244, 248 (9th Cir. 1992) (citing *St. Louis Baptist Temple, Inc. v. FDIC*, 605 F.2d 1169 (10th Cir. 1979)) ("[W]e 'may take notice of proceedings in other courts, both within and without the federal judicial system, if those proceedings have a direct relation to matters at issue.'"). Exhibits A and B are the Complaint and First Amended Complaint from the files of the Santa Clara County Superior Court. The contents of these filings are public records that are "not subject to reasonable dispute [and] capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned." See Fed. R. Evid. 201(b)(2). These exhibits reflect the proceedings in other courts, and are appropriate for judicial notice as set forth in *U.S. ex rel Robinson Rancheria Citizens Council*. Accordingly, Sood and Monsoon requests that this Court take judicial notice of Exhibits A and B.

Exhibit C: As stated in *Lee*, on a motion to dismiss, the court may take judicial notice of "undisputed matters of public record." *Lee*, 250 F.3d at 690. Exhibit C is a Patent Application that was filed for publication before the United States Patent and Trademark Office and is a matter of

1 official public records that are not subject to reasonable dispute. Accordingly, Sood and Monsoon  
2 requests that this Court take judicial notice of Exhibit C.

3  
4 DATED: March 15, 2013

Respectfully submitted,

5 ROYSE LAW FIRM, PC

6  
7 By: 

8 Harpreet S. Walla, Attorneys for Counterdefendants  
9 SANDEEP SOOD and MONSOON ENTERPRISES,  
INC. (erroneously sued as MONSOON COMPANY)